

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MICHAEL’S GRAIN FARM, INC. et al.,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	CASE NO: 3:17-cv-000320
)	
SYNGENTA AG, et al.)	
)	
<i>Defendants.</i>)	

**ORDER APPOINTING PLAINTIFFS’ SETTLEMENT NEGOTIATION
COMMITTEE IN THE SYNGENTA LITIGATION**

Several lawsuits have been filed in multiple federal and state courts arising from Syngenta’s development and sale of corn seeds containing genetically modified traits known as MIR 162 and Event 5307 before China’s approval to import corn with those traits. Cases are pending in: the multidistrict litigation (“MDL”) proceeding in the United States District Court for the District of Kansas, captioned in *In re Syngenta AG MIR162 Corn Litigation*, MDL Docket No. 2591, before U.S. District Judge John W. Lungstrum and U.S. Magistrate Judge James P. O’Hara; in the United States District Court for the Southern District of Illinois before U.S. District Judge David. R. Herndon in the cases captioned *Tweet et al v. Syngenta AG et al*, No. 3:16-cv-00255, *Poletti et al v. Syngenta AG et al*, No. 3:15-cv-01221, and *Michael’s Grain Farm et al v. Syngenta AG et al*, No. 3:17-cv-000320; in Minnesota State Court before Judge Laurie Miller in a case captioned *In re Syngenta Litigation*, No. 27-cv-15-3785; and in the Illinois State Court before Judge Brad K. Bleyer in a case captioned *Browning v. Syngenta AG et al*, No. 15-L-157. On June 23, 2017, the United States District Court for the District of

Kansas court entered a Judgment following the Kansas class jury verdict in favor of Plaintiffs. (A motion to amend that judgment is pending.) Additionally, the Minnesota class trial before Judge Miller is scheduled to begin on September 11, 2017.

The above-mentioned courts have all appointed Ellen K. Reisman as Special Master for Settlement to explore settlement of the pending cases in all of the courts listed above. Special Master Reisman has been given the authority, without limitation, to construct an efficient procedure to engage the parties in settlement negotiations, including: conducting in-person settlement negotiation with the parties and their counsel in all cases; ordering the appearance of any persons necessary to settle any claims completely; and making recommendations to the Courts concerning any issues that may require resolution in order to facilitate settlement or to efficiently manage the litigation.

In order to facilitate the goals of the appointment of the Special Master for Settlement, and after consultation with Special Master Reisman and judges from the federal and state courts listed above, who are presiding over the Syngenta corn litigation, the Court finds it prudent and efficient to appoint a Plaintiffs' Settlement Negotiation Committee to work toward a fair and expeditious resolution of the matters discussed above. This Plaintiffs' Settlement Negotiation Committee shall conduct settlement negotiations with Syngenta and Special Master Reisman, shall confer with other Plaintiffs' counsel in the actions described above about such negotiations, and shall participate in such

negotiations on their behalf. The Court's judgment is that the Plaintiffs' Settlement Negotiation Committee appropriately balances the goals of representing the interests of different groups of producer plaintiffs while maintaining a workably sized group to conduct settlement negotiations. The Court anticipates that members of the Plaintiffs' Settlement Negotiation Committee will communicate with their co-counsel regarding settlement negotiations so that producer plaintiffs' interests are appropriately represented.

IT IS HEREBY ORDERED that Christopher A. Seeger, of Seeger Weiss LLP; Mikal Watts, of Watts Guerra LLP; Clayton A. Clark, of Clark, Love & Hutson, GP; and Daniel E. Gustafson, of Gustafson Gluek PLLC are appointed as the Plaintiffs' Settlement Negotiation Committee. The Plaintiffs' Settlement Negotiation Committee, Special Master Reisman, and Syngenta will report on a weekly basis to the undersigned. This judge will communicate, on a regular basis, the progress of the Committee to the presiding judges in the federal and state court cases described above.

IT IS SO ORDERED.

DATED: August 9, 2017

Digitally signed by
Judge David R.
Herndon
Date: 2017.08.09
10:16:06 -05'00'



UNITED STATES DISTRICT JUDGE